
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1289 Session of
2008

INTRODUCED BY STACK, WONDERLING, STOUT, RAFFERTY, WOZNIAK,
BOSCOLA, RHOADES, KITCHEN, WAUGH, PIPPY, COSTA, O'PAKE,
WASHINGTON, LOGAN AND C. WILLIAMS, FEBRUARY 20, 2008

REFERRED TO AGING AND YOUTH, FEBRUARY 20, 2008

AN ACT

1 Establishing naturally occurring retirement communities;
2 providing for powers and duties of the Department of Aging;
3 and making an appropriation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Naturally
8 Occurring Retirement Community Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) There is an increasing need for appropriate services
12 to senior citizens residing in houses, apartments and other
13 dwellings not originally constructed for the elderly.

14 (2) Establishing and supporting naturally occurring
15 retirement communities assures access to a continuum of
16 necessary services and prevents or postpones the need for
17 seniors residing in these communities to move to an
18 institutional care setting such as a hospital, nursing home

1 or assisted living residence.

2 Section 3. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Department." The Department of Aging of the Commonwealth.

7 "Eligible entity." A nonprofit health or social service
8 organization, a community-based nonprofit organization, an area
9 agency on aging or other local government agency or other entity
10 that:

11 (1) the Secretary of Aging determines to be appropriate
12 to carry out a project under this act; and

13 (2) demonstrates a record of and experience in providing
14 or administering group and individual health and social
15 services for senior citizens.

16 The term does not include an entity providing housing under the
17 congregate housing services program carried out under section
18 802 of the Cranston-Gonzalez National Affordable Housing Act
19 (Public Law 101-625, 42 U.S.C. 8011) or the multifamily service
20 coordinator program carried out under section 202(g) of the
21 National Housing Act (12 U.S.C. 1701q(g)).

22 "Eligible services." Services including, but not limited to,
23 case management, care coordination, counseling, health
24 assessment and monitoring, transportation, socialization
25 activities, home care facilitation and monitoring, technology,
26 assistive technology, home repairs, the eligible entity's
27 infrastructure-related costs, home health care and assistance
28 with daily living activities such as cooking and cleaning, and
29 other services designed to address the needs of residents of
30 naturally occurring retirement communities by helping them

1 extend their independence, improve their quality of life and
2 avoid unnecessary hospital and nursing home stays.

3 "Naturally occurring retirement community." A community with
4 a concentrated population of senior citizens, including, but not
5 limited to, a residential building, housing complex and area,
6 including a rural area, of single-family residences or a
7 neighborhood composed of age-integrated housing that is not an
8 institutional care or an assisted living residence and where:

9 (1) not less than 40% of the heads of households are
10 seniors; or

11 (2) a critical mass of seniors exists, based on local
12 factors that, taken in total, allow an organization to
13 achieve efficiencies in the provision of health and social
14 services to seniors living in the community.

15 "Program." The Naturally Occurring Retirement Community
16 Program.

17 "Secretary." The Secretary of Aging of the Commonwealth.

18 "Senior" or "senior citizen." A person who is 60 years of
19 age or older.

20 Section 4. Naturally Occurring Retirement Community Program.

21 The Naturally Occurring Retirement Community Program is
22 established and shall be administered by the department.

23 Section 5. Powers and duties.

24 (a) Rules and regulations.--The department shall promulgate
25 rules and regulations to carry out the provisions of this act.

26 (b) Grants.--The department shall issue grants to eligible
27 entities.

28 (c) Advisory board.--The secretary shall establish an
29 advisory board to aid in the development of the program. The
30 advisory board shall consist of all of the following:

1 (1) The secretary, who shall serve as the chairman of
2 the advisory group.

3 (2) Two representatives from existing naturally
4 occurring retirement communities programs.

5 (3) Two representatives from senior citizen advocacy
6 groups.

7 (4) Two representatives from long-term care service
8 providers.

9 (5) One representative appointed by the Majority Leader
10 of the Senate, the Minority Leader of the Senate, the
11 Majority Leader of the House of Representatives and the
12 Minority Leader of the House of Representatives.

13 (d) Criteria for grants.--The department shall develop
14 criteria for the awarding of grants consistent with this section
15 and shall include, at a minimum:

16 (1) The number, size, type and location of the projects
17 to be served, except that the advisory board and the
18 secretary shall make reasonable efforts to assure that
19 geographic balance in the distribution of the projects is
20 maintained, consistent with:

21 (i) The needs to be addressed.

22 (ii) Funding available.

23 (iii) Applications from eligible entities.

24 (iv) Other requirements of this section.

25 (v) Other criteria developed by the advisory board
26 and the secretary.

27 (2) The appropriate number and concentration of senior
28 citizens to be served by an individual project.

29 (3) The demographic characteristics, including the age,
30 sex and region of the senior citizens to be served.

1 (4) The financial support required to operate a
2 naturally occurring retirement community project and the
3 sources of the support.

4 (5) The scope and intensity of the services to be
5 provided, and their appropriateness for the senior citizens
6 proposed to be served. The criteria shall not require that
7 the eligible entity be the sole provider of such services,
8 but shall require that the eligible entity at a minimum
9 actively manage the provision of the services.

10 (6) The experience and financial stability of the
11 eligible entity, except that the criteria shall require that
12 priority be given to programs already in operation.

13 (7) The nature and extent of requirements established
14 for active, meaningful participation for senior citizens to
15 be served in project design, implementation, monitoring,
16 evaluation and governance.

17 (8) Documentation of the need for the project and
18 financial commitments to it from such sources as the advisory
19 board shall deem appropriate given the character and nature
20 of the proposed project. The purpose of the documentation
21 shall be to demonstrate the need for the project, support for
22 it in the areas to be served and financial and managerial
23 ability to sustain the project.

24 Section 6. Reports to General Assembly.

25 On or before March 1 of every year, the secretary shall issue
26 a report to the Governor, the chairman and the minority chairman
27 of the Aging and Youth Committee of the Senate, and the chairman
28 and minority chairman of the Aging and Older Adult Services
29 Committee of the House of Representatives. The report shall
30 discuss the effectiveness of the program and recommendations for

1 improvement. Areas that may be included in the report are:

2 (1) Whether the program is helping to address the needs
3 of naturally occurring retirement community residents.

4 (2) Whether the program is assuring access to a
5 continuum of necessary services.

6 (3) Whether the program receives private, philanthropic
7 and other public funding.

8 (4) Whether the program prevents or postpones the need
9 for seniors residing in a naturally occurring retirement
10 community to move to an institutional care setting, such as a
11 hospital, nursing home or assisted living residence, as
12 measured by the time period commencing on the date a senior
13 first meets the legal criteria for admission to such an
14 institution and ending on the date when he or she applies for
15 such admission.

16 (5) The number, size, type and location of the projects
17 developed and funded, including the number, kinds and
18 functions of staff in each program.

19 (6) The number, size, type and location of the projects
20 proposed but not funded and the reasons for denial of funding
21 for the projects.

22 (7) The age, sex, region and other appropriate
23 demographic information concerning the seniors served.

24 (8) The services provided to seniors, reported in a
25 manner to allow comparison of services by demographic group
26 and region.

27 (9) A listing of the services provided by eligible
28 entities, including the number, kind and intensity of the
29 services.

30 Section 7. Appropriation.

1 The sum of \$5,000,000 is hereby appropriated to the
2 Department of Aging to administer, distribute and fund grants
3 for naturally occurring retirement communities.
4 Section 20. Effective date.
5 This act shall take effect in 60 days.